

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

DR. FELIX GUZMAN RIVADENEIRA,)
on behalf of the thousands of federal)
detainees and their families here in)
United States of America and all over)
the world,)

Plaintiff,)

vs.)

No. CIV-15-645-W

DEPARTMENT OF HOMELAND)
SECURITY et al.,)
)

ORDER

On August 13, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that this action be dismissed without prejudice because plaintiff Dr. Felix Guzman Rivadeneira had failed to pay the initial partial filing fee as ordered on July 24, 2015. See Doc. 10. Rivadeneira was advised of his right to object to the Report and Recommendation, see Doc. 15 at 2-3, but no objections have been filed within the allotted time.¹

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of this matter. Although Rivadeneira was granted leave to proceed in forma pauperis, see Doc. 10, he was required to pay an initial partial filing fee in the

¹The Clerk of the Court mailed Magistrate Judge Erwin's Report and Recommendation to the address listed by Rivadeneira in his complaint. See Rule 5.5(a), Rules of the United States District Court for the Western District of Oklahoma (papers sent to last known address deemed delivered). The record indicates that on August 24, 2015, the Report and Recommendation was returned to the Clerk by the United States Postal Service with the following notation on the envelope: "RTS Not Here." Doc. 15 at 5. Rule 5.5(a), supra, obligates pro se litigants not only to provide the Clerk with a mailing address, but also to file notice of any change of address. Rivadeneira has not complied with the latter requirement.

amount of \$142.23. Rivadeneira was advised that this action was subject to dismissal if he failed to pay this initial amount or failed to show cause in writing for his failure to pay. See id. To date, Rivadeneira has neither paid the filing fee as ordered or explained in writing why he has failed to do so.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on August 13, 2015;
(2) in so doing, DENIES as moot the following motions submitted by Rivadeneira and file-stamped by the Clerk of the Court on August 11, 2015:

(a) "42 U.S.C. § 1915(A) Application 'Amendment Complaint'" [Doc. 11];

(b) Motion to Close All the Detention Centers [Doc. 12];

(c) Motion to Request Mailing Assistant [Doc. 13]; and

(d) Motion for Appointment [of] Counsel in a Civil Rights Lawsuit [Doc. 14];

and

(3) DISMISSES this matter without prejudice to refiling.

ENTERED this 19th day of September, 2015.

A handwritten signature in black ink, appearing to read "Lee R. West", written over a horizontal line.

LEE R. WEST
UNITED STATES DISTRICT JUDGE